Deutsche Umwelthilfe

Press release

Deutsche Umwelthilfe (Environmental Action Germany, DUH) sues Daimler AG – Automaker should stop making false statements regarding the exhaust gas treatment of the Mercedes C-Class BlueTec 220 CDi

Daimler is continuing to deceive its customers with false promises of quality with regard to its allegedly 'ultramodern' exhaust gas treatment – The group has declined to submit a declaration of discontinuance subject to penalty to the DUH – Mercedes buyers should insist that Daimler CEO Dieter Zetsche delivers on the quality promise given (i.e. 'the best or nothing') and, if need be, demand the cancellation of the purchase – The US Environmental Protection Agency is investigating Daimler for nitrogen oxide limit violations that are 65 times higher than they should be on the road at normal outside temperatures

Berlin, 29.2.2016: Daimler has admitted that it reduces the effect of the diesel exhaust gas purification in the Mercedes C-Class BlueTec 220 CDi via engine control software at temperatures less than (plus) 10 degrees Celsius. In early February, the Environmental Action Germany (DUH) had published measurements from the Netherlands that revealed that the NOx limit value is exceeded by up to 28 times in road measurements. The buyers of Mercedes BlueTec models have not been and are not informed of this material defect that is detrimental to the environment and health. On the contrary, Daimler is continuing to deceive consumers in its catalogues and on the group website by issuing false statements about the allegedly minimal NOx emissions of the diesel Mercedes-Benz C 220 CDi BlueTEC (Euro 6) model. The DUH will therefore lodge a suit with the Stuttgart Regional Court against Daimler in order to have the continuation of this consumer deception regarding all vehicles affected by the exhaust gas manipulation legally prohibited.

According to the DUH, Daimler's false advertising promises violate, among other things, the ban on misleading advertising (§ 5 UWG [Act Against Unfair Practices]):

"Just like the BlueTEC diesel engines with very low emissions. Complex catalyst technology reduces nitrogen oxide significantly; driving becomes the purest pleasure in the best sense of the word."

"And in models with diesel engines, the nitrogen oxide emissions were able to be cut to a minimum by up to 90% by means of the ultra-modern exhaust treatment concept of BlueTEC."

"BlueTEC reduces the emissions of our most modern diesel engines to a minimum whilst reducing consumption. [...] It comprises various coordinated technical measures to minimize internal engine raw emissions and to effectively treat exhaust gases. All relevant emission components are reduced to a minimum."

On 17 February 2016, the DUH, an environmental and consumer protection federation with the legal right to represent claims in court, demanded that the Stuttgart-based automotive group refrain from false advertising claims with immediate effect. In a letter dated 24 February 2016, Daimler informed the DUH that it "*saw no reason to submit the required cease and desist*" and pointed out that the TNO study cited by the DUH showed "*a reduction in nitrogen oxide emissions by up 90%*". In actual fact, the TNO showed that the Mercedes C-Class BlueTec 220 CDi exceeded the applicable limits by up to 28 times in a road measurement with outside temperatures of 7-10 degrees and, at speeds that are typical in towns (0-45 km/h), was more than 10 times above the limit.

The 90 per cent purification of exhaust gases was detected by the TNO only in the laboratory and not in any of the road tests. According to the EU type-approval procedure, the emissions control device must, however, work "in normal use", i.e. at all normal temperatures and particularly on the road. Temperatures of (plus) 7 to 10 degrees Celsius are more than normal between September and April. A BMW 530d also measured by the TNO on the road complied with the Euro 6 NOx limit at typical inner city speeds.

The quality promises are clearly at odds with the exceedances of the values measured by the TNO regarding nitrogen oxide limits. In actual fact, the Mercedes tested did not even comply with the NOx limit for Euro 2 diesel cars.

"There is no technical reason why it should not be possible to reduce the toxic diesel exhaust gases in accordance with the limit values at all normal ambient temperatures. I accuse Daimler CEO Dieter Zetsche of personally causing deliberate bodily harm with fatal consequences in many thousands of cases. If modern Euro 6 BlueTec diesel cars emit just ten times more nitrogen oxides than allowed at the low speeds that are typical in urban environments, then it comes as no surprise that the Mercedes metropolis of Stuttgart is the dirtiest city in Germany as far as the NO2 pollution of breathing air is concerned," says Jürgen Resch, National Director of the DUH. *"Mercedes buyers should insist that Daimler CEO Dieter Zetsche delivers on the promise of quality of 'the best or nothing'. If the manufacturer refuses to carry out a repair, customers can request the cancellation of the purchase contract."*

The national authorities of other countries are also investigating Daimler on account of greatly increased pollutant emissions. In France, official tests on the Mercedes S-class (S-350 Diesel) carried out by Minister of the Environment Ségolène Royal showed deviations in CO2 values of more than 40 per cent. In the US, the Washington-based Environmental Protection Agency is investigating a 65-fold exceedance of the NOx limit. On account of the US limit value which is twice as strict, this corresponds to the exceedances measured by the TNO in the Netherlands and published by the DUH. The Federal Motor Transport Authority (KBA) that is responsible for the withdrawal of type approval in Germany has remained silent so far. It has, as yet, not responded to the request of the DUH, submitted in January 2016, to withdraw type approval for the Mercedes C-Class 220 CDi.

Background:

In response to the action brought by the DUH on 3 February 2016 regarding the alleged use of defeat devices, Daimler admitted to a device that reduced the effectiveness of the emission control system at ambient temperatures below (plus) 10 degrees Celsius in order 'to protect the motor'. According to written confirmation of report 2015/R10702 from the Dutch testing institute the TNO, the NOx emissions measured in the Mercedes-Benz C 220 BlueTEC tested were, at 817 mg NOx/km, more than ten times higher than the applicable limit at typical urban driving speeds of 0–45 km/h at outside temperatures of between plus seven and ten degrees Celsius. Compared to the measurements on the roller test bench, the level measured on the road was 20 times higher.

As Daimler does not, with regard to the above-cited advertising promises, point to this reduction in the effectiveness of the emission control system, even though temperatures in Germany are below plus 10 degrees Celsius more than 50% of the time, these statements are misleading.

Every year, more than 10,000 people die prematurely from the effects of toxic diesel exhaust gases in Germany alone.

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